



Mark J. Volpi
Direct Dial: (516) 620-1710
Email: Gail.Ritzert@hrrvlaw.com

Reply to Mineola Office

June 3, 2013

Honorable James Orenstein
U.S. Magistrate Judge
U.S. District Court Eastern District of New York
U.S. Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Everest Reinsurance Co. a/s/o Fritz Hinkel and Sym Realty v.
Cova Concrete Corp et al.*
Docket No.: CV 11 3427
HRRV File No.: 10310-000126

Dear Magistrate Orenstein:

We represent the interests of HSD Development, The Gold Development Group and Simon Dishinsky in the above-referenced matter. Pursuant to the Court's Fifth Amended Scheduling Order dated January 31, 2013, all discovery is to be completed by June 13, 2013. All discovery has in fact been completed except for the issue raised in this correspondence.

By stipulation dated April 30, 2013, all parties agreed to serve expert discovery by May 28, 2013 so that rebuttal reports, if any, could be timely served before the June 13, 2013 discovery deadline. The undersigned disclosed their expert, Mr. Ciro Capano, on May 28, 2013 in compliance with the stipulation. However, as counsel for Orange County Superior Concrete was kind enough to point out, we inadvertently failed to include a signed report from Mr. Capano in our disclosure as required by Rule 26.

1065 Avenue of the Americas ■ Suite 800 ■ New York, New York 10018
212-488-1598 ■ 212-564-0203 Facsimile

114 Old Country Road ■ Suite 300 ■ Mineola, New York 11501
516-620-1700 ■ 516-746-0833 Facsimile

170 Hamilton Avenue ■ Suite 210 ■ White Plains, New York 10601
914-290-6430 ■ 914-560-2245 Facsimile

HRRV

Honorable James Orenstein
U.S. Magistrate Judge
U.S. District Court Eastern District of New York
June 3, 2013
Page 2

We respectfully request that the Court kindly extend the end of disclosure date by ten (10) days from June 13, 2013 until June 23, 2013. We will be providing Mr. Capano's report on or before June 7, giving counsel for Orange County adequate time to prepare their rebuttal, if desired. As noted, all other discovery has been completed.

Thank you for your courtesy and consideration of this request.

Respectfully yours,



Mark J. Volpi (MV6494)

cc:

METHFESSEL & WERBEL, ESQS.
450 Seventh Avenue, Suite 1400
New York, NY 10123
File No. 71030 JNW

WHITE & MCSPEDON, P.C.
875 Avenue of the Americas, Suite 800
New York, NY 10001

MORGAN MELHUISH AMBRUTYN
39 Broadway, 17th Floor
New York, NY 10006

ABRAMS GARFINKEL MARGOLIS BERGSON, LLP
237 West 35th Street
Fourth Floor
New York, New York 10001